

(2018) 04 JH CK 0019
In the Jharkhand High Court
Case No : L.P.A. No.689 of 2015

RASHTRIYA COLLIERY MAZDOOR SANGH	APPELLANT
Vs	
M/S BHARAT COKING COAL LIMITED	RESPONDENT

Date of Decision : 09-04-2018

Acts Referred:

Industrial Dispute Act, 1947 — Section 10

Citation : (2018) 04 JH CK 0019

Hon'ble Judges : D.N. Patel, J; Amitav K. Gupta, J

Bench : Division Bench

Advocate : M. K. Laik, Bakshi Bibha

Final Decision : Dismissed

Judgement

D.N. Patel, J

1. This Letters Patent Appeal has been preferred by the appellant (original petitioner), being aggrieved and feeling dissatisfied by the judgment and order passed by the learned Single Judge in writ petition being W.P.(L) No.1925 of 2015, dated 13.10.2015, whereby the petition preferred by this appellant was dismissed, and hence, the appellant (original petitioner) has preferred this Letters Patent Appeal.
2. Having heard counsel for the appellant and looking to the facts and circumstances of the case, it appears that Reference Case no.19 of 1992 was preferred under Section 10 of the Industrial Dispute Act for regularization into the services of the respondents.
3. It appears that the award was passed by the Central Government Industrial Tribunal No.1, Dhanbad, dated 16.01.2014, whereby after taking into consideration the evidence on record, the Tribunal found that there is not an iota of evidence that 469 workmen were the contract workers of Bharat

Coking Coal Limited, hence, the Tribunal could not pass the order of regularization.

4. Thus, it appears that there was no evidence before the Central Government Industrial Tribunal No.1, Dhanbad. This aspect of the matter has been

properly appreciated by the learned Single Judge while dismissing the writ petition preferred by this appellant.

5. It appears that no error has been committed by the learned Single Judge while deciding the matter mainly for the reason that there is bound to be a

factual aspect which must be proved by the workmen, before the Central Government Industrial Tribunal No.1, Dhanbad, in Reference Case No.19 of

1992. The main fact that 469 workmen were working with the contractor of the B.C.C.L has not been proved hence no relief can be granted to the

workmen.

6. Hence, we see no reason to entertain this Letters Patent Appeal and the same is, therefore, dismissed.